

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MANASSEH A. PHILIP	§	
(BOP Register No. 43839-177),	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:16-cv-733-K
	§	
ALLEN R. VAUGHT, ET AL.,	§	
	§	
Defendants.	§	

**REVISED ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

On March 18, 2016, the United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* Dkt. No. 4. The Court accepted those findings and entered judgment on April 11, 2016. *See* Dkt. Nos. 5 & 6. But, on April 12, 2016, the Court received and docketed Plaintiff's objection, which is dated March 28, 2016. *See* Dkt. No. 7.

The Court accordingly VACATES the original acceptance order and judgment.


And the Court, having reviewed now *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and having reviewed the remaining proposed findings, conclusions, and recommendation for plain error, finds no error and ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Specifically, contrary to Plaintiff's statement in his objection, the Court has no

record of receiving a \$350.00 filing fee from Plaintiff. Also contrary to the objection, no proof regarding payment of that amount – which is less than the full amount required to file a civil action in this Court (\$400.00) – is attached as “Exhibit A” to Plaintiff’s objection. Therefore, it was not error to grant Plaintiff leave to proceed *in forma pauperis* for purposes of screening his Notice of Lawsuit. And it was not error to dismiss that Notice of Lawsuit for failure to state a claim without prejudice to Plaintiff’s right to file an actual complaint that complies with Federal Rule of Civil Procedure 8(a).

SO ORDERED.

Signed April 14, 2016.



ED KINKEADE
UNITED STATES DISTRICT JUDGE